



DEPUTIES

JOHN P. KEPPELER, II
DONA L. HANAIKE

AQUACULTURE DEVELOPMENT
PROGRAM

AQUATIC RESOURCES
CONSERVATION AND
ENVIRONMENTAL AFFAIRS
CONSERVATION AND
RESOURCES ENFORCEMENT
CONVEYANCES

FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
DIVISION
LAND MANAGEMENT
STATE PARKS
WATER AND LAND DEVELOPMENT

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

STATE HISTORIC PRESERVATION DIVISION
33 SOUTH KING STREET, 6TH FLOOR
HONOLULU, HAWAII 96813

AGENDA
MOLOKAI ISLAND BURIAL COUNCIL
MEETING

Date: Wednesday, November 18, 1992
Time: 1:00 PM
Place: Queen Lili'uokalani Children's center-
Lili'uokalani Trust
Molokai Office
Kalamaula

- I. OPENING REMARKS
- II. APPROVAL OF MAY 20, 1992 MEETING MINUTES
- III. BUSINESS
 - A. **Mapulehu Glass House - Burial Sites Disturbance**
Information: update of investigation of multiple burials sites disturbance.
- IV. ANNOUNCEMENTS
- V. ADJOURNMENT

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MINUTES
MOLOKAI ISLAND BURIAL COUNCIL MEETING

Date: Wednesday, November 18, 1992
Time: 1:00 PM
Place: Queen Lili'uokalani Children's Center
Kalamaula, Molokai

PRESENT:

Council: Pearl Hodgins, Billy Akutagawa, Eliza Reyes,
Colette Machado, Noe Keli'ikipi, Henry Ayau, Jr.

Staff: Edward Halealoha Ayau, Esq.

Guests: Mililani Hanapi and Mele Kauhola

ABSENT: Matt Adolpho (sick), Henry Nalaielua (unable to
attend due to lack of flights from Kalaupapa),
Harry Aki, Lani Kapuni.

I. OPENING REMARKS

Chair Machado welcomed Noe Keli'ikipi to the Council.
The meeting was called to order at 2:19 p.m. There was
no quorum at the time so the May minutes were not voted
upon.

II.

CASE DISCUSSIONS

A. Burial Discovery, Waialua, Molokai

Eddie Ayau said that he received a call from Rev. David Kaupu regarding unmarked family burial sites at Waialua that he feared may have been disturbed during bulldozing activities. Kaupu said that one of the graves is his grandmother Ella Kaulili. He asked SHPD to conduct an inspection to determine whether the graves were damaged.

Ayau continued that on November 12, 1992, he and an officer from DOCARE inspected the site and found the stone lined graves just as Kaupu had described them. There was no damage and the graves had been marked with flagging tape and the grass recently cut. It seems those doing the work were aware of the presence of the graves.

A letter will be sent to Mr. Wade Eckert of California who is the landowner, notifying him of the presence of the burials, and that the graves need to be protected until final treatment is determined. Also, that he has the option to request relocation to the Molokai Burial Council or leave the graves in place. Ayau said Kaupu expressed his family's wish to have the graves left in place.

B. Inadvertent Discovery, Kalua Ko'i, Molokai

Ayau said that yesterday, the SHPD received a call about a burial disturbance at Kalua Ko'i, on lands owned by Tokyo Kosan. It seems that a small bulldozer was moving sand in a rubbish dump used by the hotel and accidentally disturbed a burial. The operator reported the discovery, all activities stopped, and the area was roped off.

Ayau and DOCARE officer Manca went to the site this morning and recovered the exposed and damaged remains. The SHPD will follow up with the landowner to recover the rest of the remains and provided a location nearby to reinter. The remains are being kept at the DOCARE office at Ho'olehua.

C. Mapulehu Glass House

Eddie Ayau updated the Council that talks with the landowner Hawai'i Sugar Planters Association and Ellen Osborne's attorney was still ongoing. At the first

meeting, it was resolved to focus attention on the recovery of the remains still on the property. This meeting took place sometime in March. At the second meeting, a proposed recovery plan was discussed and it was decided that SHPD would develop the recovery plan and estimate the costs involved. A visit to Mapulehu Glass House took place with archaeologists from the State. At that time, a large stone platform was discovered in the disturbance area along with isolated stone mounds believed to be *in situ* burial sites. The archaeologists were trying to get an idea of the extent of the disturbance area. Following the site inspection, Annie Griffin developed a proposed scope of work for recovery at an estimated cost of about \$ 60,000. This proposal was then submitted to Mr. Keppler for discussion with HSPA and Osborne.

Ayau said that should Osborne contest the fines and challenge the State's action against her, there may be a need to subject the bones to a physical examination since the bones would be the center of controversy. The Hanapi family and the Council members present stated their opposition to any physical examination, that the adze and shark tooth and Clara Ku's oral history about the stone graves in the pasture surrounding the Glass House was good enough to establish that the bones are Hawaiian. Ayau said the issue would also be how many individuals were disturbed because there is a maximum \$ 10,000 fine for each burial.

Colette Machado asked if the Council received a copy of Charley Crane's letter to Mr. Paty about sticking his neck out. None of the members had a copy. Eddie Ayau read the text of the letter to the Council. Noe Keli'ikipi asked if there was a response to Charley's letter. Ayau said yes and showed her a copy of the response letter from Paty.

Machado said the it has been almost one whole year since the disturbance of the Mapulehu burials and that at the time the Council took a strong position that the State investigate and prosecute Osborne and recover and rebury all the bones. However, although the investigation was done, nothing has been done to recover the bones.

Some Council members including Machado expressed getting a lot of "heat" from lineal descendants and other community people on why nothing is being done about penalizing Osborne and the fear that Osborne would walk away scott free. It seems the bones have

been forgotten, making the disturbance even worse.

One community member said that the situation could explode if nothing is done and that there should be a protest of some kind to open the States eyes (the governor and Mr. Paty) about how serious this matter is to Molokai, or letters like Charley Crane's or maybe a petition signed by the lineal descendants and the community demanding the State take action. The State is suppose to punish violators, why isn't that happening with Osborne?

Machado said that the Council itself should refrain from being involved in any protest. That it was important for Council members to maintain objectivity and to communicate their feelings to the Department through strongly worded motions and leave the protest to the community members who choose to take such action.

Ayau was asked about the State's position regarding prosecution of Osborne. Ayau said that the State notified Osborne in writing that it believed she violated HRS chapter 6E-11 by intentionally disturbing burial sites and stated conditions by which she could cure the violations including paying fines. And that Osborne, through her attorney, said they would challenge the charges. Finally, that at the present time, the attorney generals office was awaiting direction from the Department on moving forward with prosecuting Osborne.

Motion: strongly recommend the State Historic Preservation office recover the iwi still left exposed/disturbed at Mapulehu Glass House immediately, and to seek help from community members with recovering the bones, and that the cost of the whole job should be charged to the landowner HSPA and the lessee Osborne because both are responsible for the disturbance.
(Akutagawa\Hodgins)

Vote: all in favor; none opposed; none abstained.

Discussion focused on what was going to happen to Osborne. Is she being prosecuted for disturbing the burials? What about Sam Pedro? What's going to happen to him?

There was a general feeling that Pedro was not the focus of the Council's concern; the main concern was reburial as soon as possible and the prosecution of Ellen Osborne. That it was up to Osborne to deal with

Sam Pedro and to concentrate on recovery of the remains and reburial.

Motion: strongly recommend that the State move forward immediately with the prosecution of Ellen Osborne for the disturbance of one of the burial sites at Mapulehu Glass House, based on Charles Murray's testimony; also that the State follow up and interview other former employees of Osborne's who know about the disturbance. (Akutagawa\Ayau, Jr.)

Vote: all in favor; none opposed; none abstained.

There was a general belief that information about what Sam Pedro did was lacking, and that he has one bad eye.

Motion: recommend that the State focus on the prosecuting Ellen Osborne and not Sam Pedro, who Osborne will have to deal with or pass the buck to. (Hodgins/Reyes)

Vote: all in favor; none opposed; none abstained.

Motion: recommend that the State expeditiously reinter the remains from Mapulehu Glass House following recovery and that the area be permanently set aside as a burial site (Hodgins/Ayau, Jr.)

Vote: all in favor; none opposed; none abstained.

III. ANNOUNCEMENTS

Machado said there should be a December meeting to follow up with Waialua and Kalua Ko'i as well as Mapulehu. The next meeting will be Wednesday December 16, 1992 at LT. The meeting ended at 4:02 p.m.

Respectfully Submitted:

Kathleen Oshiro
for Edward Halealoha Ayau,

Esq.